

## REMARKS

This is in response to the Official Action dated April 18, 2006. Claims 1, 3, 6, 7, 9 and 17 are currently amended. Claims 2, 8, 10, 11, 13-16 and 18-20 are re-presented. Claims 4, 5 and 12 have been withdrawn with traverse.

The claims have been amended to overcome the rejections under 35 U.S.C. §112 as set forth in paragraphs 1-6 on pages 2 and 3 of the Official Action. As suggested by the Examiner in paragraph 3, the phrase "an adhesive tape on both faces thereof" has been replaced with the phrase --double-sided adhesive tape--. Concerning Claim 6, "lower aspect" has been replaced by --the backing--. Claim 9 is similarly amended. In Claim 7, "inside" has been changed to --underside--. Also in Claim 3, "piece of material" has been changed to --piece of binding material-- for completeness. With reference to Claim 17, the dependency of such claim has been changed from "Claim 10" to --Claim 8--.

It is submitted that with the above amendments, the rejections under 35 U.S.C. §112 are no longer applicable. In this connection, the careful review by the Patent Examiner to point out the informalities involved is acknowledged with appreciation.

As set forth in the instant Application, the edges of carpets require some type of special binding to avoid unraveling or fraying of the carpet in use. This may be accomplished when the carpet is originally manufactured or, if carpets are customized for special uses, special edges are applied thereto prior to installation using special needles and stitching machines designed for this purpose. It occurred to the inventors as it has to others in the past that it would be advantageous to provide a method of binding the edges of carpets which could be applied by the installers at the place of installation. Applicants' novel methods provide satisfactory binding for the carpet edges to prevent unraveling and fraying and at the same time are attractive and appropriate for

the décor involved. Essentially their method utilizes a strip of material which has, where it will contact the bottom of the carpet, double-sided adhesive tape that will hold the fabric adjacent to the bottom of the carpet with a part of the fabric extending outside the edge of the carpet which is bent over to form a pocket to receive welting material whereby the welting material, surrounded by the fabric abuts the edge of the carpet. The piping secured in the pocket thus serves for the formation of a welt disposed adjacent the edge of the carpet material. A bead of thermoplastic adhesive is then applied between the carpet material and the welt. The bead of thermoplastic adhesive can be pre-applied and subsequently bound to the carpet material by heating the thermoplastic adhesive. Thus the welt is secured by the material surrounding the piping being bonded by the bead of thermoplastic adhesive to the backing of the carpet material where the welt is adjacent thereto and, in addition, by the fabric where it underlies the carpet backing by the planar strips of a double-sided adhesive. This can be accomplished at the place the carpet is installed or earlier at the shop of the installer. It is not necessary to stitch the binding fabric with or without the piping to the carpet and therefore to have available and use special machinery capable of such stitching. Also the welt is bonded directly to the backing of the carpet and either very little or only partly to the lower aspects of the carpet fibers.

Before commenting specifically on the rejections of the claims, particular attention is invited to the circumstance that all of the rejections on the merits are under 35 U.S.C. §103 based on combinations of a plurality of prior art references. None of the cited references is alleged to anticipate the instant invention and there is no explicit teachings which serves as an adequate basis for the combinations cited. Moreover, it is submitted that the record fails to reveal an underlying factual basis of substantial evidence to support a finding of obviousness under 35 U.S.C. §103. It is fundamental patent law that the claimed invention itself cannot be used as a

blueprint for piecing together elements of the prior art to defeat their patentability. Moreover, in considering prior art under 35 U.S.C. §103, evidence that both justifies and detracts from factual determinations which might otherwise justify combination of prior art references must be considered.

It is suggested that in the instant Application none of the alleged combinations has the requisite support of the references of record. Accordingly, insofar as the claims define patentable invention (which it is submitted that all the claims do) Applicants are entitled to patent protection as provided by the patent laws of the United States.

More specifically, in paragraph 8 of the Official Action, Claim 1 is rejected under 35 U.S.C. §103 on the basis of U.S. Patent No. 4,054,698, which issued October 18, 1977, to Hamrah, combined with U.S. Patent No. 4,724,327, of February 9, 1988, to Mitchell. It is stated in the Official Action that Hamrah discloses a method of binding an edge of material without stitching, the binding to such material comprising a binding fabric adhered on at least one side with an adhesive tape on both faces thereof and securing said material to be bound to the binding fabric by the adhesive tape 30 extending from the binding fabric. It is noted, however, that Hamrah does not disclose a welting material or piping in a pocket, albeit that Mitchell discloses a binding an edge of material, the method comprising a cord 12 in a pocket formed by folding over a strip 11. It is asserted to be obvious to one skilled in the art at the time of Applicants' invention to modify Hamrah so that his curved flanged portion 22 can be folded over itself to form a pocket in which piping or welting material can be secured. It is stated that in this manner the binding material in Hamrah would be favorably reinforced to provide an aesthetically pleasing appearance as taught by Mitchell.

Both references disclose more or less typical prior art teachings for binding the edges of carpets, which are distinctive from that of the instant inventors. Hamrah actually discloses a binding tape which adheres to the backing 34 of carpet 28 and the curved portion bends over and pressingly engages a portion of the pile 36 along the edge portion of carpet 28 (column 2, lines 42-47).

The undersigned does not find anything in the Hamrah patent to the effect that the pressure sensitive adhesive material 30 is a double-sided adhesive tape. Moreover, Hamrah's disposition of his strip of pressure sensitive adhesive material 30 could not, if folded over as in the instant invention (which it is not), substantially abut a welt formed over the adhesive tape. The Mitchell disclosure teaches that his cord should slide "independently of the walls of the strip as it is being stretched." (column 2, lines 61-66). In any event, Mitchell teaches a band 14 which extends transversely from the longitudinal center line of strip 11 for the length thereof, forming an overlay to facilitate the attachment of the welt 10 within a seam along the edge of a piece of upholstery, such as a carpet. But it does not teach how either the band 14 or the strip 11 should be attached to the backing of a carpet. The welt cord of Mitchell is as its title indicates "luminescent" and, in effect, discloses a type of strip which would normally be stitched to the backing of the carpet as such. Its primary purpose is to provide luminescence at the edges of a carpet in the event of a blackout or other emergency.

In paragraph 9 of the Official Action, Claims 2 and 3 were rejected on the basis of Hamrah and Mitchell further in view of U.S. Patent No. 6,258,202 B1, of July 10, 2001, to Callas, and Patent Application Publication No. US2002/0102376 A1, published August 1, 2002, of Ang et al.

Claims 2 and 3 are both dependent on Claim 1. In Claim 2 the added step is applying a bead of thermoplastic adhesive in-between the material and the welt formed and over the adhesive tape. Claim 3 recites the same step, plus the step of melting the thermoplastic adhesive by heating means for binding the welt and the material, that is more specifically the carpet material.

The Callas patent is directed to a method of making an entrance mat. As seen in Figures 19-21, adhesive 33 extends between the bottom of the carpet and from there is applied into recesses 31 and 32 to underlip 24. The adhesive 33 which might be considered an adhesive gasket inhibits the entrance of water, moisture, snow, ice, dirt and other foreign materials from collecting under lip 24 in pocket 27. In Figure 21, pressure indicated by arrow 47 is applied to lip 24 to force it down and hold border 15 in firm engagement with extension 22A of web 22 (column 5, lines 4-28). As acknowledged in the Official Action, Callas does not teach the use of a bead of thermoplastic adhesive and, in effect, utilizes the adhesive that binds his mat around the edges and, in effect, does not extend his adhesive to the comparable location that the inventor has placed a bead of thermoplastic adhesive. However, the Examiner asserts that the Ang et al patent publication discloses that it is well known to use a thermoplastic adhesive in place of an adhesive strip. Ang et al, in paragraph 0013 of their patent publication, state that the attachment member is provided permanently to secure the ribbon in position substantially overlapping a cut edge of carpet and that suitable attachment members include adhesive tape or a bead of adhesive which permanently bonds the finishing strip to the floor covering which may include either heat or non-heat activated glue provided at spaced locations or continuously along the cut edge. However, Ang et al prefer a two-sided tape (see paragraph 0040). Moreover, Ang et al and Callas both only teach the use of one adhesive member, whereas Claims 2 and 3, both of which

are dependent on Claim 1, include two steps, one being the applying of the adhesive tape and the other being applying a bead of thermoplastic adhesive in a relationship to the welt formed by the adhesive tape. Concerning comments relating to Claim 3 on page 5 of the Official Action, it is questionable to conclude that Hamrah teaches a welt as such and Mitchell does not teach the use of adhesives at all. Modifications of the references which are alleged in the Official Action appear to be based on hindsight observations with no foundation in substantial evidence.

On page 6 of the Official Action, paragraph 10, Claims 6-9, 14 and 19 were rejected under 35 U.S.C. §103 as being unpatentable over Hamrah in view of Callas and Ang et al.

Claim 6 requires that the carpet edge be attached by applying a bead of glue between the backing of the carpet and the edge. For this rejection to stand, it is critical that there be two steps, one being securing a piece of binding material to the edge, and the other being applying a bead of glue between the backing of the carpet and the edge. None of the applied references teaches both of these steps. Instead, both only teach a securing step as such. This is true even though Ang et al teaches in paragraph 0013 that a bead of thermoplastic adhesive may be used for the securing step, but they do not teach a securing step plus applying a bead of thermoplastic material. Indeed, in Ang et al the preferred method is the use of an elongated strip of double-sided adhesive tape 42 as set forth in paragraph 0040 of their patent publication. Yet further, the use of an adhesive tape is different than the use of a bead of glue. A bead, in a broad, illustrative sense, is either one dimensional or has zero dimensions, whereas a tape is planar; it has two dimensions. Thus concerning the Ang et al reference as set forth in paragraph 0013, the two-sided tape is preferred because it has a length and width generally corresponding to that of the finished strip. There is no clear disclosure as to where the bead of Ang et al will be placed.



Concerning paragraph 11 of the Official Action wherein Claims 10, 11, 13 and 15-20 are rejected under 35 U.S.C. §103 over Hamrah, Callas and Ang et al, as further applied in combination with Mitchell. In Claim 10, the edge comprises binding material wrapped around a welt material. Although Mitchell does show a circular cord which is luminescent, Mitchell fails to teach the application of a bead of glue between the backing of the carpet and an edge which comprises material wrapped around a welt material. It is, however, acknowledged that the "cord" of Mitchell could broadly be termed "piping" and thus to cover almost any welt or welt material. But Mitchell fails to suggest the application of a bead of glue between the backing of the carpet and an edge which is bonded thereto. Moreover, contrary to the assertion in the Official Action that it would have been well within the purview of one of ordinary skill in the art to apply the hot-melt thermoplastic adhesive bead of Ang et al with a hot glue gun as is well known in the art, this is not taught, as such, by the prior art. Nor does the prior art teach that the application of two securing means of different types and in different places, as disclosed by the instant invention, was an obvious expedient in the art at the time of Applicants' invention.

By the rejection on page 9 of the Official Action, paragraph 12, of Claim 17, the patent to Kim et al, No. 4,859,524, which issued August 24, 1998, is added to be considered with Hamrah, Callas and Ang et al. Kim et al discloses a reinforced multi-layer thermoplastic resin composite blank having radio frequency material contained in at least one layer and a method of using radio frequency heating to manufacture a composite part with at least one surface having a smooth defect-free surface finish. Claim 17 has been amended to be dependent on Claim 8 and is directed to a metal element being included within or against the thermoplastic adhesive. Although the instant inventors make no claim as to having invented thermoplastic adhesive, as such, or glue guns which are used to provide beads of thermoplastic adhesive, it is to be

emphasized that the novelty of Claim 17 defines an invention which includes the steps and elements of Claims 6 and 8. The patent to Kim et al relates to multi-layer thermoplastic resin composite blanks which, after heat treatment, are subjected to molding. Accordingly, the pertinence of the Kim et al patent insofar as the instant invention is concerned seems questionable. No disclosure was found in the Kim et al reference directed to subjecting a thermoplastic adhesive bead to radiation so that added metal heats up and melts the thermoplastic adhesive bead. This is not to say that Kim et al does not define a useful invention. However, nothing was found in review of the Kim et al reference to suggest that in Applicants' inventive method it would be obvious to those skilled in the art in practicing the invention as indicated in Claim 6 to include a metal element within or against a bead of glue composed of thermoplastic adhesive and to subject such bead of glue to radiation which causes the metal element to heat and thereby melt the thermoplastic adhesive between the edge being applied and the backing of the carpet and permitting the bead of glue composed of thermoplastic adhesive to cure wherein the backing of the carpet and the edge are bonded together.

The undersigned is advised that in the prosecution history of the instant Application as disclosed on the Internet, a paper was received by Central Fax Center on June 20, 2006 entitled "Urgent Expited [Sic.] Prosecution" wherein one Richard L. Miller submitted same as "Agent for Applicant," the Applicant being "Ben Boatwright et al." This is not correct; Richard L. Miller is not "Agent for Applicant." It is respectfully requested that such paper not be entered in the record of the prosecution of the instant Application in the U.S. Patent and Trademark Office.

Further consideration and re-examination of this Application, in its amended form, is requested in view of 35 U.S.C. §132 and regulations in implementation thereof. It is submitted the Application in its amended form is free from ambiguity and avoids the references of record.

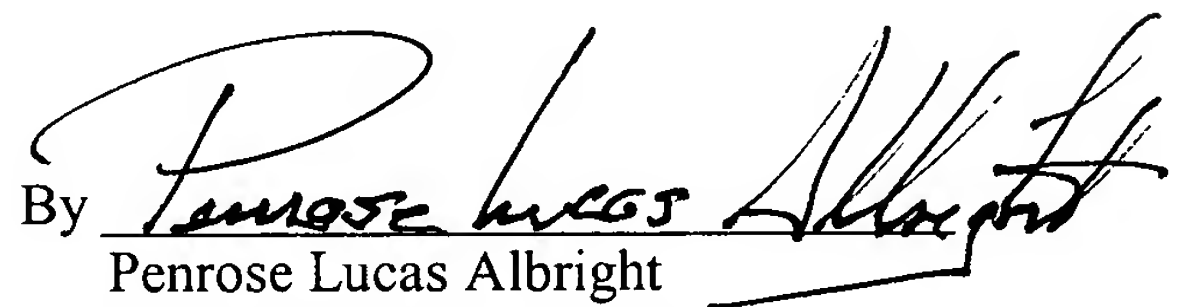


It is further submitted the Examiner should have no difficulty in finding that the differences between the subject matter sought to be patented in this Application and prior art and usage within his expert knowledge are such that the subject matter as a whole would not have been obvious at the time the invention was made to persons having ordinary skill in the art to which the subject matter of this Application pertains.

In view of the foregoing, the allowance of claims as now presented is earnestly solicited.

Respectfully submitted,

MASON, MASON & ALBRIGHT

By   
Penrose Lucas Albright  
Registration No. 19,082

2306 South Eads Street  
P.O. Box 2246  
Arlington, VA 22202  
Tel (703) 979-3242  
Fax (703) 979-2526

**Filed: July 18, 2006**